

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

BRYAN JAMES NOVACO,
Plaintiff,

v.

CAROLYN W. COLVIN,
*Acting Commissioner, Social Security
Administration,
Defendant.*

No. 3:16-cv-1918 (VAB)

ORDER TO AMEND CASE CAPTION

Nancy A. Berryhill became the Acting Commissioner of the Social Security on January 23, 2017.¹ When a party in an official capacity resigns or otherwise ceases to hold office while the action is pending, the officer's successor is automatically substituted as a party, regardless of the party's failure to so move or to amend the case caption; the Court may also order such substitution at any time. FED. R. CIV. P. 25(d); *see also Williams v. Annucci*, 895 F.3d 180, 187 (2d Cir. 2018); *Tanvir v. Tanzin*, 894 F.3d 449, 459 n.7 (2d Cir. 2018).

Accordingly, the Clerk of the Court is respectfully directed to amend the docket and case caption to reflect that Nancy A. Berryhill, Acting Commissioner of the Social Security Administration, is now the named Defendant in this action.

SO ORDERED at Bridgeport, Connecticut, this 27th day of March, 2019.

/s/ Victor A. Bolden
VICTOR A. BOLDEN
UNITED STATES DISTRICT JUDGE

¹ While there is arguably "some doubt about [Ms.] Berryhill's current legal status in light of the recent determination by the Government Accountability Office that her tenure has expired under the Federal Vacancies Reform Act," *Isureal v. Berryhill*, No. 3:15-cv-221 (JAM), 2018 WL 1409797, at *1 n.1 (D. Conn. Mar. 21, 2018) (citation omitted), Ms. Berryhill remains the current officeholder at this time. *See* Acting Commissioner Bio, accessed Mar. 26, 2019, <https://www.ssa.gov/agency/commissioner.html>.